

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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LEEWARD CAPITAL, L.P,

Plaintiff,

v.

ARCHON CORP.,

Defendant.

2:08-CV-00007-PMP-LRL

ORDER

Presently before the Court is Defendant's Motion for Reconsideration and Emergency Motion to Stay Execution of Judgment (Doc. #53), filed on January 5, 2011. Plaintiff filed a Response in Opposition to Defendant's Emergency Request For a Stay of Execution (Doc. #56) on January 24, 2011.

The parties are familiar with the facts in this action and the Court will not repeat them here except as necessary. This case involves similar facts regarding the alleged breach of the Certificate of Designation of the Exchangeable Redeemable Preferred Stock of Sahara Gaming Corporation ("Certificate") as two other pending cases, D.E. Shaw Laminar Portfolios, LLC, et. al., v. Archon Corp, Case No. 2:07-cv-1146-PMP-LRL ("Shaw"), and David Rainero, on behalf of himself and on behalf of others similarly situated, v. Archon Corp., Case No. 2:07-cv-01533-RCJ-PAL.

Plaintiff brought suit in this Court on January 2, 2008, for breach of contract, alleging Archon did not properly calculate the equitable preferred shares dividends and liquidation preference according to the Certificate's terms. In August 2008, this Court

1 granted partial summary judgment to the Plaintiffs in Shaw, holding that the Certificate was
2 unambiguous and Plaintiffs' interpretation of the Certificate which results in compound
3 dividends is correct. (Order (Doc. #80 in 2:07-CV-01146-PMP-LRL).) In December 2010,
4 this Court granted summary judgment to Plaintiff Leeward Capital, L.P. and entered final
5 judgment in favor of Plaintiff in the amount of \$286,674.43. (Order (Doc. #51).)

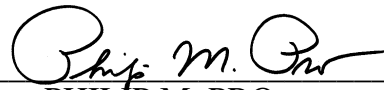
6 Defendant requests reconsideration of this entry of final judgment and a stay of execution.

7 In its Motion for Reconsideration, Archon does not present new evidence or a
8 change in controlling law. Rather, Archon attempts to re-litigate issues originally decided
9 in the Court's 2008 Order in Shaw. The Court's 2008 Order is not clearly erroneous.

10 Therefore, reconsideration is inappropriate and will be denied.

11 IT IS THEREFORE ORDERED that Defendant's Motion for Reconsideration
12 and Emergency Motion to Stay Execution of Judgment (Doc. #53) is hereby GRANTED in
13 part and DENIED in part. The Motion for Reconsideration is DENIED. The Motion to
14 Stay is GRANTED to the extent that Defendant shall have until February 28, 2011 to post
15 bond in the full amount of the Judgment.

16 DATED: February 4, 2011.

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19 PHILIP M. PRO
20 United States District Judge
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